

PATRICIA A. MCCOLM
P.O. Box 113
Lewiston, CA 96052
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Fax by Appointment

FILED
SEP 24 2021
UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA *BL*

September 22, 2021

Hon. Dennis Montali
UNITED STATES BANKRUPTCY COURT
450 Golden Gate Avenue
Mail Box 36099
San Francisco, CA 94102
PRIORITY MAIL

ORIGINAL

Re: Bankruptcy Case No. 19-30088 (DM); **OBJECTION TO FALSE PROOF OF SERVICE OF THE REORGANIZED DEBTORS' ONE HUNDRED SEVENTH OMNIBUS OBJECTION TO CLAIMS [MCCOLM CLAIMS 7659/104738] ; THEREBY, DENYING SUFFICIENT NOTICE FOR COMPETENT OCTOBER 5, 2021 RESPONSE BY CLAIMANT WITH DISABILITY; EMERGENCY REQUEST TO RE-SET DATE FOR RESPONSE AND HEARING THEREON TO ACCOMMODATE CLAIMANT'S LIMITATIONS OF DISABILITY AND/OR FOR ORDER STRIKING THE PGE OBJECTION AND/OR SUCH OTHER REMEDY THE COURT DEEMS PROPER.**

Your Honor:

This claimant respectfully brings to the Court's attention that on **September 16, 2021**, Debtors PACIFIC GAS AND ELECTRIC COMPANY (PGE) filed a **false certificate of service** [Doc. 11269] wrongfully alleging that on **September 10, 2021** it mailed to this Claimant on said date: 1) "Reorganized Debtors' One Hundred Seventh Omnibus Objection to Claims (McColm Claims) [Docket No. 11227] (the "***the One Hundred Seventh Omnibus Objection***") 2) "Declaration of Cesar V. Alegria, Jr. In Support of Reorganized Debtors' One Hundred Seventh Omnibus Objection to Claims (the "***Alegria Declaration in Support of One Hundred Seventh Omnibus Objection***")"; and 3) Notice of Hearing on Reorganized Debtors' One Hundred Seventh Omnibus Objection to Claims (McColm Claims) [Docket No. 11229] (the "***Notice of One Hundred Seventh Objection Hearing***"). The false certificate of service was executed under penalty of perjury on September 15, 2021.

THE ABOVE STATED DOCUMENTS WERE NOT RECEIVED!

Some **10 DAYS after the alleged date of service**, a two page document entitled "Notice

of the Reorganized Debtor's One Hundred Seventh Omnibus Objection to Claims (McColm Claims)" arrived, with nothing more enclosed in the small envelope. The limited information was clearly, insufficient notice for a competent response to unknown documents constituting the omnibus objection; in particular, by a person with Claimant's limitations of disability before the **October 5, 2021 due date.**

Claimant attempted to obtain information, the omnibus objection and related documents by fax from "Prime Clerk;" in particular, a proof of service, all of which were REFUSED! Even though a designated fax number was provided, it was alleged that Prime Clerk does "not send faxes;" even to accommodate limitations of disability where alternative "electronics" is neither within Claimant's knowledge or availability. The offer to "mail" would clearly NOT be timely or be trustworthy, in light of the questionable failure to ensure timely full and complete mailing of all omnibus objection related documents to this Claimant. No information other than the limited document identified above has been forthcoming from Prime Clerk; thus, indicating that the failure to serve after notice of non-receipt, is intentional to prejudice Claimant.

In desperation, Claimant turned to PACER at a cost of about \$20 to obtain the unserved documents. The September 9, 2021 document docket date proved misleading; in that, there was not a proof of service filed said date and appeared to not exist. The later filed proof of service was eventually found to reveal, the apparent delay tactic falsity objected to above.

It is shocking to see that PGE had NOT EVEN PROVIDED THE NOTICE OF HEARING DOCUMENT, only its exhibit! It is extremely disturbing to read that it is not just the proof of service that is false; but that the content of the Omnibus Objection and Declaration of Cesar V. Alegria Jr. is also objected to for being misleading under penalty of perjury; clearly designed to wrongfully attempt to mislead the Court to prejudice this Claimant. It is akin to the Debtors' having knowingly filed a false civil complaint against this Claimant in the Trinity County Superior Court, Case No. 10 CV 065, based on a fraudulent representation of a recorded right of way/easement; PGE knew BEFORE it filed the complaint, that the alleged recorded easement was OUTSIDE MCCOLM LANDS! (See Judicial Notice Requested, trial transcript 2RT page 385 admission attached hereto as **EXHIBIT A.**) Even though it knew that PGE had no recorded easement on McColm lands; it lied to the Court to take advantage of the stigma and medical limitations of its victim to obtain relief to which it was not entitled by law. It is unlikely that the California Court of Appeal will be misled by a judgement that wrongfully asserts PGE is the successor in interest of the 1916 right of way; without finding that said document does NOT include McColm lands as admitted by PGE and as shown by two McColm experts at trial; the first being the former CEO and Recorder of Trinity County and second, being an Expert Surveyor/Engineer). PGE has also relied upon the misleading assertion of being a successor in interest to a 1916 recorded right of way in its omnibus objection; without telling this Court that McColm lands are NOT included in the alleged 1916 document; thus, in an apparent attempt to mislead the U.S. Bankruptcy Court as well!

Claimant is informed and believes that filing a false document in a Court, is an assault on

the integrity of the Court, constituting a California Penal Code violation under section 115. The Federal Bankruptcy Rules of Court, may also provide a remedy for filing a false document to obtain an unfair advantage in the claims process; the consideration of which, is respectfully requested by this Court.

Based on the foregoing, there is good cause to provide this Claimant with relief from the shortened time for Response of October 5, 2021 and hearing October 19, 2021; inflicted by Debtors' failure to timely serve the related omnibus objection documents and to provide additional time for disability accommodation (See medical verification attachment, **EXHIBIT B**), to enable preparation of a complete, competent Response/Opposition; in particular, where Claimant has substantial medical appointment conflicts next week with invasive procedure under anesthesia.


Accordingly, it is hereby respectfully requested that the due date for the Response/Opposition be extended and hearing date for appearance by land line telephone be postponed for at least 60 days to accommodate Claimant's limitations of disability and/or that PGE's Objection be stricken and/or that such other remedy issue that the Court deems appropriate.

Your kind consideration is appreciated.

This letter notice of objection, motion/accommodation intent to file a response, has been sent to counsel for PG&E and to Prime Clerk.

I declare under penalty of perjury under the laws of the State of California that the above is within my personal knowledge and foregoing is true and correct.

Sincerely,



Patricia A. McColm

enc. Exhibit A: *PG&E v McColm*, 10CV065, Trial Transcript, 2RT page 385
Exhibit B: Medical Verification by Meghana Gadgil, M.D.

cc. KELLER, BENVENUTTI, KIM
Prime Clerk

1 THE COURT: Sustained.

2 MS. McCOLM: Q. Okay. Did you examine that
3 so-called right of way under your expertise to determine
4 whether in fact it pertained to this real property?

5 MR. HABIB: Objection, vague. I don't know
6 what right of way she's talking about. And it's
7 irrelevant if it's the original one.

8 (Interruptions occurring.)

9 MS. McCOLM: Q. Okay. When you say the
10 original one, do you mean the deed of 1916?

11 A. Yes.

12 Q. Okay. In that document did you make any examination
13 of it to determine whether that document even applied to
14 this property?

15 MR. HABIB: Objection, relevance.

16 THE COURT: Overruled.

17 THE WITNESS: Yes.

18 MS. McCOLM: Q. And what was your
19 conclusion?

20 A. That the lands description for that document was
21 outside of the McColm property.

22 Q. And when did you make that decision?

23 MR. HABIB: That determination?

24 MS. McCOLM: That determination?

25 A. Originally Jason Thomas indicated that. We -- I had
26 somebody double check it back in 2010, and I just
27 reviewed it a couple of weeks ago.

28 Q. Okay. With your expertise is it possible to shorten

UCSF Health

UCSF General Medicine at 1545 Divisadero

1545 DIVISADERO ST FL 1
SAN FRANCISCO CA 94115-3010
Phone: 415-353-7900 | Fax: 415-353-2583

Clinical Programs:
General Medicine/Primary Care
Weight Management
Behavioral Health

August 24, 2021

Patient: Patricia McColm
Date of Birth: 6/5/1946
Date of Visit: 8/23/2021

CONFIDENTIAL

To Whom it may concern,

It is my medical opinion that Patricia McColm has persistent medical issues that are limiting her from completing paperwork required for pending legal actions. Her chronic medical conditions including multiple sclerosis has interfered with her ability to prepare court documentation in a timely fashion. In addition, she has experienced an allergic reaction to a medication and has had exposure to wildfire smoke. Please consider granting her a 6-month extension to help account for delays due to her medical issues in preparing her court documentation.

Sincerely,

Meghana Dipti Gadgil, MD

Electronically signed by Meghana Dipti Gadgil, MD on 8/24/2021, 8:33 AM

Patricia McColm, 8/24/2021 8:33 AM

Page 1 of 1

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FROM:

Patricia A. McColm
P.O. Box 113
Lewiston, CA 96052

RECEIVED

SEP 24 2021

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

TO: HON. DENNIS MONTALI
US BANKRUPTCY COURT
450 GOLDEN GATE AVENUE
MAIL BOX 36099
SAN FRANCISCO, CA

94102

Label 228, March 2016

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